

**TOWN OF SULLIVAN  
ZONING BOARD OF APPEALS  
DECEMBER 9, 2021  
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Bryan Bendixen, Clifford Reals, Michael Keville and Attorney for the Board Richard Andino.

Also present: Larry Ball, Building/Codes Inspector

**PUBLIC HEARING**

**7:00P.M. – CHITTENANGO DOLLAR GENERAL: (1458 ROUTE 5 WEST, 48.-1-28.11)  
PROPOSING 36 PARKING SPACES ONLY FROM THE REQUIRED 109  
PARKING SPACES.**

Tom Pappas from Griffiths Engineering appeared before the Board to further discuss a proposed 10,640 sq.ft. Dollar General store on Route 5. The Applicant is seeking a variance from the parking requirements and offering to provide 36 parking spaces where 109 spaces are required. The requested information regarding DG's parking requirements from the meeting of November 11, 2021 was received from the Applicant. Member Bendixen discussed the average store size and the major concern of parking spaces being taken up with snow during the winter months. This store is 25% larger than the average store and will run out of lose spaces if there is a 12 ft. snow mound. Mr. Pappas said the information is based on market analysis and would haul snow if it was bad and they had to do so.

Member Keville stated he has looked at the Dollar General Stores in different locations around the area. Most of the stores are in walkable neighborhoods and this will not be a good location for walking. There will be more automobiles driving in the area in light of the class 3 casino located across the street. Member Manning asked if this is a traditional Dollar General Store or market store. He stated the parking lot requirements are for any retail tenant and questions will this work in the future if there is no Dollar General. Mr. Pappas stated this will be one of the newer type stores with groceries available. Mr. Pappas understands all these fair points and asked what would be reasonable and agreeable to the Board and what can fit on site.

Member Bendixen referenced the site map showing each row with 11 spaces. More spaces would be available if one row was added to the front and one row added to the back. This would give another 19 to 20 spaces if 60 feet back to the East. The Board discussed adding a third parking row and Mr. Pappas was agreeable to this modification.

Chairman Durfee excused himself from the discussion and voting as he leases a portion of the subject property for farming purposes.

No one spoke for or against the application and the public hearing was closed at 7:15 P.M.

**BRENT GRANT: AREA VARIANCE (113 MONROE AVE., 10.44-1-36.2) SIX FOOT FENCE EAST SIDE YARD.**

Sid and Terri Grant appeared on behalf of their son Brent. They are requesting a 6 ft. fence on the East side yard as the neighbor on the South side toward Route 31 has chickens which often cross on to the applicant's property. The Planning Board previously granted a special permit to allow the neighbors to have "therapy chickens." The driveway is located off of Route 31 and the applicant would like the fence to go in the front yard and as close to the road as possible.

The Board advised that the request for 6' high fence in the front yard is unlikely to be granted but 4' high fences are allowed by right in the front yard and the applicant could therefore maintain a 4-foot fence or plant trees.

The Madison County Planning Board returned the application for Local Determination.

The Town of Sullivan Planning Board left the decision for fence alternatives to the ZBA as this particular fence request is unique and raises questions for the neighbor's zoning compliance.

No one spoke for or against the application and the public hearing was closed at 7:30 P.M.

**OLD BUSINESS**

**CHITTENANGO DOLLAR GENERAL: (1458 ROUTE 5 WEST, 48.-1-28.11) PROPOSING 36 PARKING SPACES ONLY FROM THE REQUIRED 109 PARKING SPACES.**

The area variance criteria were jointly reviewed by the Board and on motion of Member Manning, seconded by Member Bendixen the Board approved a variance to allow for 56 parking spaces (rather than the 36 parking spaces requested by the Applicant) by a vote of 4-0 with Chairman Durfree abstaining. The Board declared itself lead agency, the action to be Unlisted and after review of extensive findings, issued a Negative Declaration for purposes of SEQRA. The Board reasoned that no undesirable change would occur in the area as it is zoned business in an already heavily trafficked area; there are feasible alternatives but excavating a large hill to add additional parking would be cost prohibitive; the initial request is substantial (36 spaces) but the granted variance for 56 spaces is less substantial; no adverse impact to the environment and although the hardship is self-created it was not a determining factor.

**BRENT GRANT: AREA VARIANCE (113 MONROE AVE., 10.44-1-36.2) SIX FOOT FENCE EAST SIDE YARD.**

The area variance criteria were reviewed and on motion of Member Keville, seconded by Member Bendixen, the application was approved by a vote of 5 to 0 as the benefit to the applicant outweighs any detriment to the neighborhood. The Board reasoned that no

undesirable change would occur in the neighborhood as the fence would not impair views or cause traffic safety concerns; there was no feasible alternative because of the chicken nuisance; 2' of relief in the side yard is not substantial and the fence length in the side yard is limited in nature; no adverse environmental impacts were identified; and the hardship is not self-created due to chickens being permitted on the neighboring property. The fence is to be located no closer to Monroe Ave. than the Southeast corner of the house.

### **APPROVAL OF MINUTES**

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of November 11, 2021.

### **ADJOURNMENT**

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed to adjourn the meeting at 8:00 P.M.

**Respectfully Submitted**  
**Jeri Rowlingson, Secretary**